

## Office of Personnel Management

## § 307.104

307.104 Treatment of individuals serving under VRAs.

307.105 Appeal rights.

AUTHORITY: 5 U.S.C. 3301, 3302; E.O. 11521, 3 CFR, 1970 Comp., p. 912; 38 U.S.C. 4214.

SOURCE: 70 FR 72066, Dec. 1, 2005, unless otherwise noted.

### § 307.101 Purpose.

This part implements 38 U.S.C. 4214 and Executive Order 11521, which authorizes agencies to appoint *qualified covered veterans* to positions in the competitive service under Veterans Recruitment Appointments (VRAs) without regard to the competitive examining system.

### § 307.102 Definitions.

For purposes of this part—

*Agency*, as defined in 38 U.S.C. 4211(5), means any agency of the Federal Government or the District of Columbia, including any Executive agency as defined in section 105 of title 5, and the United States Postal Service and Postal Rate Commission.

*Covered veterans*, as defined in 38 U.S.C. 4212(a)(3), means any of the following:

- (1) Disabled veterans;
- (2) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized;
- (3) Veterans who, while serving on active duty with the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal (AFSM) was awarded pursuant to Executive Order 12985 (61 FR 1209); and
- (4) Recently separated veterans.

*Disabled veteran*, as defined in 38 U.S.C. 4211 means:

- (1) A veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- (2) A person who was discharged or released from active duty because of a service-connected disability.

*Qualified*, as defined in 38 U.S.C. 4212(a)(3) with respect to employment in a position, means having the ability to perform the essential functions of

the position with or without reasonable accommodation for an individual with a disability.

*Recently separated veteran*, as defined in 38 U.S.C. 4211(6), means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty.

*Substantially continuous service* is defined in 5 CFR 315.201(b)(3).

*War* means any armed conflict declared by Congress as such.

### § 307.103 Nature of VRAs.

VRAs are excepted appointments, made without competition, to positions otherwise in the competitive service. The veterans' preference procedures of part 302 of this chapter apply when there are preference eligible candidates being considered for a VRA. *Qualified covered veterans* who were separated *under honorable conditions* may be appointed to any position in the competitive service at grade levels up to and including GS-11 or equivalent, provided they meet the qualification standards for the position. To be eligible for a VRA as a *covered veteran* under paragraph (2) or (3) of the definition of that term in § 307.102, the veteran must be in receipt of the appropriate campaign badge, expeditionary medal, or AFSM. For purposes of a VRA, any military service is qualifying at the GS-3 level or equivalent. Upon satisfactory completion of 2 years of substantially continuous service, the incumbent's VRA must be converted to a career or career conditional appointment. An individual may receive more than one VRA appointment as long as the individual meets the definition of a *covered veteran* at the time of appointment.

### § 307.104 Treatment of individuals serving under VRAs.

- (a) Because VRAs are made to positions otherwise in the competitive service, the incumbents, like competitive service employees, may be reassigned, promoted, demoted, or transferred in accordance with the provisions of part 335 of this chapter.
- (b) A veteran with less than 15 years of education must receive training or education prescribed by the agency.
- (c) Appointments are subject to investigation by OPM. A law, Executive